

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

JASON WALKER,
TDCJ-CID No. 01532092,

Plaintiff,

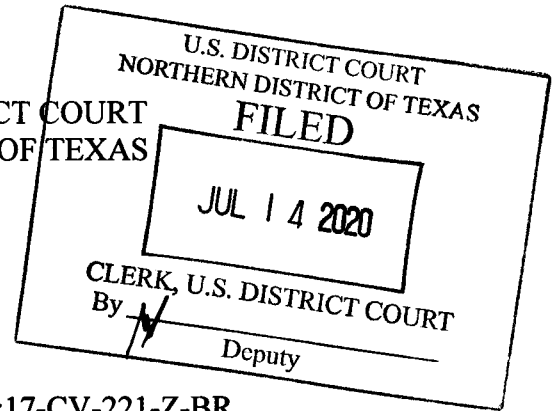
v.

JASON CLARK, *et al.*,

Defendants.

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2:17-CV-221-Z-BR



**ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS
TO DISMISS REMAINING CLAIMS
AND
DENY MOTION FOR TEMPORARY RESTRAINING ORDER**

On June 17, 2020, the United States Magistrate Judge entered findings and conclusions (ECF No. 40) on Plaintiff's remaining claims against Defendants Mallory C. Miller and Cora Stewart. The Magistrate Judge RECOMMENDS that these Defendants be DISMISSED from this lawsuit. Additionally, the Magistrate Judge RECOMMENDS that Plaintiff's Motion for a Temporary Restraining Order (ECF No. 33) be DENIED. Plaintiff did not file any timely objections to the findings, conclusions, and recommendation. After making an independent review of the pleadings, files, and records in this case, the findings, conclusions, and recommendation of the Magistrate Judge, the Court concludes that the findings and conclusions are correct. It is therefore ORDERED that the findings, conclusions, and recommendation of the Magistrate Judge are ADOPTED.

Plaintiff's claims against Defendant Mallory C. Miller are hereby DISMISSED with prejudice for failure to state a claim based on the *Parratt/Hudson* doctrine as set forth in the findings, conclusions, and recommendation of the Magistrate Judge (ECF. No 40). *See Hudson v.*


Palmer, 468 U.S. 517 (1984), *see also Parratt v. Taylor*, 451 U.S. 527 (1981), *overruled in part on other grounds in Daniels v. Williams*, 474 U.S. 327, 330 (1986).

Plaintiff's claims against Defendant Cora Stewart are hereby DISMISSED with prejudice for failure to state a claim as set forth in the findings, conclusions, and recommendation of the Magistrate Judge (ECF No. 40).

Lastly, Plaintiff's Motion for Temporary Restraining Order (ECF No. 33) is hereby DENIED for failing to meet his burden as set forth in the findings, conclusions, and recommendation of the Magistrate Judge.

SO ORDERED.

July 14, 2020.



MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE